



General Assembly

January Session, 2005

Raised Bill No. 6814

LCO No. 3718

03718_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COLLATERAL SOURCE BENEFITS IN CIVIL ACTIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-225a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) In any civil action, whether in tort or in contract, wherein the
4 claimant seeks to recover damages resulting from (1) personal injury or
5 wrongful death occurring on or after October 1, 1987, or (2) personal
6 injury or wrongful death, arising out of the rendition of professional
7 services by a health care provider, occurring on or after October 1,
8 1985, and prior to October 1, 1986, if the action was filed on or after
9 October 1, 1987, and wherein liability is admitted or is determined by
10 the trier of fact and damages are awarded to compensate the claimant,
11 the court shall reduce the amount of such award which represents
12 economic damages, as defined in subdivision (1) of subsection (a) of
13 section 52-572h, by an amount equal to the total of amounts
14 determined to have been paid under subsection (b) of this section less
15 the total of amounts determined to have been paid under subsection
16 (c) of this section, except that there shall be no reduction for [(1)] (A) a

17 collateral source for which a right of subrogation exists, and [(2) that]
 18 (B) the amount of collateral sources equal to the reduction in the
 19 claimant's economic damages attributable to [his] the claimant's
 20 percentage of negligence pursuant to section 52-572h.

21 (b) Upon a finding of liability and an awarding of damages by the
 22 trier of fact and before the court enters judgment, the court shall
 23 receive evidence from the claimant and other appropriate persons
 24 concerning the total amount of collateral sources which have been paid
 25 for the benefit of the claimant as of the date the court enters judgment.

26 (c) The court shall receive evidence from the claimant and any other
 27 appropriate person concerning any amount which has been paid,
 28 contributed, or forfeited during the course of medical treatment related
 29 to the claim underlying the action, as of the date the court enters
 30 judgment, by, or on behalf of, the claimant or members of [his] the
 31 claimant's immediate family to secure [his] the claimant's right to any
 32 collateral source benefit which [he has] the claimant received as a
 33 result of such injury or death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	52-225a

Statement of Purpose:

To amend the "collateral source" calculation in civil actions to require that the claimant's evidence of amounts paid by or on behalf of the claimant be limited to amounts paid, contributed or forfeited during the course of medical treatment.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]